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8 **UNITED STATES BANKRUPTCY COURT**
9 **OF WESTERN WASHINGTON**
AT SEATTLE

10 IN RE

11 NORTHWEST TERRITORIAL MINT
12 LLC,

13
14 Debtor.
15

NO. 16-11767-CMA

Chapter 11

COHEN'S RESPONSE TO DIANE
ERDMANN'S MOTION TO
DETERMINE APPLICABILITY OF
AUTOMATIC STAY

16
17 To the extent the Trustee asserts that any or a portion of the Seized Property
18 constitutes property of the bankruptcy estate, Bradley Cohen and Cohen Asset
19 Management Inc. ("Cohen") does not object to the application of the automatic stay to
20 the Seized Property. However, the only issue the Bankruptcy Court needs to
21 address and decide with respect to the Seized Property is whether the Seized
22 Property constitutes property of the Estate (a proceeding to which Cohen is not a
23 party and will not participate). If this Court determines that all of the Seized Property
24 is property of the Estate, there is nothing more for the state court to address. If this
25 Court decides that any portion of the Seized Property is not property of the Estate,
26 then the state court is the proper court to decide ownership claims to the non-Estate

COHEN'S RESPONSE TO DIANE
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AUTOMATIC STAY - 1

MONTGOMERY PURDUE BLANKINSHIP & AUSTIN PLLC

ATTORNEYS AT LAW
5500 COLUMBIA CENTER
701 FIFTH AVENUE
SEATTLE, WA 98104-7096
(206) 682-7090 TEL
(206) 625-9534 FAX

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1 property, including but not limited to the claim by Cohen that the Seized Property that
2 Erdman contends is her property is actually the property of Ross Hansen. Cohen is
3 not a party to this bankruptcy proceeding, and is not a party to any adversary
4 proceeding in which title to the Seized Property is at issue. Cohen has an interest to
5 litigate with respect to the Seized Property only if it is determined by this Court not to
6 be property of the Estate—which interest at that point involves only non-debtors, and
7 properly should be decided in the state court.

8 The Court should also specify that the automatic stay does not apply to any of
9 Cohen's collection efforts against assets that are not property of the bankruptcy
10 Estate such as the property of Mr. Hansen. Cohen's state court collection efforts
11 should not be categorically stayed.

12 DATED this 10th day of June, 2016.

13 MONTGOMERY PURDUE BLANKINSHIP
14 & AUSTIN PLLC

15 By: /s/ Joseph A. Hamell
16 Michael E. Gossler
17 WA State Bar No. 11044
18 Joseph A. Hamell
19 WA State Bar No. 29423
20 Attorneys for Bradley S. Cohen and
21 Cohen Asset Management, Inc.

22 COHEN'S RESPONSE TO DIANE
23 ERDMANN'S MOTION TO
24 DETERMINE APPLICABILITY OF
25 AUTOMATIC STAY - 2

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SEATTLE, WA 98104-7096
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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am, and at all times herein mentioned have been, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-mentioned action, and competent to be a witness herein.

On the date written below, I caused the above document to be electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the persons who have requested such notice.

DATED this 10th day of June, 2016, at Seattle, Washington.

/s/ Mary O'Hara
Mary O'Hara

COHEN'S RESPONSE TO DIANE
ERDMANN'S MOTION TO
DETERMINE APPLICABILITY OF
AUTOMATIC STAY - 3

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